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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Initial reports of States parties

Maldives

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PART ONE

INTRODUCTION

1. The Convention on the Elimination of all forms of Discrimination Against Women **(CEDAW)** came into force on the 3rd September 1981. CEDAW was drafted by the Commission on the Status of Women during the early years of the United Nations Decade for Women, between 1976-1985.

2. The origins of CEDAW lay in its perception that despite the efforts of the United Nations to promote equality of rights between men and women through both the legal norms of non-discrimination and specific treaties concerning women, extensive discrimination continued to exist against women.

3. CEDAW was the first international document to address the problem of 'equality' for women. In essence, it constitutes an elaboration of the legal norms of non-discrimination on the basis of sex.

4. CEDAW experienced little difficulty in gaining ratification by the member states of the United Nations: it entered into force less than two years after its adoption by the General Assembly, faster than any previous human rights convention. Despite the rate and speed of ratification, however, a significant number of countries have entered substantive reservations with the actual implementation of CEDAW.

5. The Republic of Maldives is a Muslim nation and the laws of the country are drawn from the Islamic *Shari'ah*. The Government's commitment to gender equality is reflected in its ratification of CEDAW, nevertheless some reservations were made on the basis of *Shari'ah* law.

6. The purpose of this report is to provide an understanding of the reasoning and rationale behind the reservations made by the Government of Maldives to CEDAW and also to elucidate the new steps and actions which the Government intends to take in the future. As a result of these steps, it is hoped that the reservations it has placed to CEDAW to date will be much reduced.

GENERAL BACKGROUND

7. The Maldives is a Republic with a democratic government structure organised on a presidential model. There is a parliament (Citizens' Majlis) comprising of 50 members, 42 of whom are elected and 8 are nominated by the President.

8. The President is elected every 5 years, as are the members of the Citizens' Majlis. The atolls and islands are administered by Atoll and Island Chiefs who are also appointed by the President..

9. Maldivian women have always played a dual role: a productive as well as a reproductive role. They spend a major portion of their time in undertaking domestic work and providing child-care in their homes and communities.

10. However, Maldivian women are also engaged in a variety of productive activities that include fish processing, agriculture and handicraft production. The women have a tradition of organising themselves together and have played a vital role in the community life of the islands.

11. Within the traditional division of labour, fishing was the main occupation of men whilst agriculture and fish processing activities was carried out largely by women. The males did not in the past take an active role in the house or in childcare.

12. With the modernisation of the economy and the resulting rapid economic growth during the past 25 years, the Maldives has undergone huge advancements in terms of development.

13. Despite the rapid development of the economy, women continue to reap 'mixed benefits' and not the maximum benefits achieved by their male counterparts. Some of studies have shown that women's actual participation in the labour force has significantly declined.

GENERAL DEVELOPMENTS IN THE MALDIVES

14. The total population of the Maldives according to the 1995 census was 244,644.

15. The country's population remains relatively young with the 0-15 year group comprising 49.14% of the total population.

16. The capital island Malé is populated by nearly a quarter of the total population of the country. The remainder of the population is sparsely distributed amongst 199 islands. Economic concentration around Malé (and the tourist resorts) has led to internal migration to Male' and an inflow of resources resulting in widening disparities within the country.

17. As in other developing countries, there is a disparity between the rural and urban population in terms of social and infrastructure development and access to employment.

THE LEGAL SYSTEM

18. The Maldivian legal system is based on *Shari'ah* law.

19. Personal law which includes family and inheritance laws are exclusively governed by *Shari'ah* law. Other laws such as the criminal law, contracts, company law etc, are governed by laws enacted by Parliament based on *Shari'ah* law.

20. The Legislative Sources are based on the following: The Constitution of the Republic of Maldives, Laws enacted by Parliament, Statutory Instruments (Rules and Regulations of the various governments authorities)

21. The administration of justice is the responsibility of the various courts under the Ministry of Justice and the High Court of Maldives. There is a court in each island which hears criminal, juvenile, family as well as civil cases.

22. In Male', criminal cases are heard in the Criminal Court, civil cases are heard in the Civil Court, family cases in the Family Courts and juvenile cases are heard at the Juvenile Court. The Ministry of Justice administers these courts.

23. All cases heard in any of the Courts mentioned above could be appealed to the High Court of Maldives. The High Court of Maldives has the authority to hear any of the cases heard in the lower courts if it considers it to be in the interests of justice that the case be heard.

24. The final source of appeal rests with the President who decides these cases in consultation with the Presidential Advisory Committee on Judicial Affairs.

25. Most crimes are investigated at the Police Department which is administered by the Ministry of Defence and National Security. Once the investigation stage is over, the case is forwarded to the Attorney General's Office which is the state prosecuting authority of Maldives.

POLITICAL, ECONOMIC AND SOCIAL DEVELOPMENTS

26. During the past two decades, President Gayoom's administration has pursued open, market-oriented policies whilst at the same time encouraging foreign investment. The emphasis has also been on sustainable development as well as the protection of the natural environment.

27. The economy of the Maldives is predominantly based on tourism and fisheries. Maldives has no known mineral resources and the agricultural potential is limited.

28. The Maldives has achieved remarkable progress in social and economic development. In the 1980's the growth rate stood at 10% per annum and has now reduced to 6-7%.

29. Despite this high GDP, in terms of human and social development there is scope for improvement. This is largely due to the fact that although the Government spends a large portion (41% in 1997) of its budget on social services, the cost of delivery of these services is disproportionately high due to the geography of the country's islands.

30. In stark contrast to the regional situation, there is no abject poverty in the Maldives.

31. The female labour force participation has declined from 62% in 1979 to 21% in 1995. Nevertheless, there has been no studies which have analysed the way this decline has affected women. Thus, there are no substantive statistics about the amount of control women exercised with regards to the cash generated by their productive labour.

32. Under-employment remains a problem in the Maldives despite Government efforts at training and encouraging young people into employment. The problem is more pronounced in rural areas and reflects the under-utilisation of productive labour, particularly of women.

33. The literacy level is one of the highest in the SAARC region and stood at 98% in 1997, with the bias actually in favour of women.

34. Similarly, life expectancy at birth, which is an indication of the overall level of health, has increased from 47.65 years in 1978 to 70.6 years in 1995 for men and 71.6 for women.

35. Infant mortality declined from 121 to 30 per 1000 live births from 1977 to 1996.

INFORMATION UPDATES ON THE STATUS OF WOMEN

36. As of the 1995 National Census the total number of women in the country was 119,592 comprising 48.5% of the population.

37. Of that number 47% belonged to the 0-14 year age group, 33.75% belonged to the 15-24 year age group and 19.25% belonged to the 25+ age group.

38. Although great strides have been taken in improving the health and education status of the general population, There is scope for integrating the concerns of women in the mainstream of the development process.

39. A slow but steady decline can be observed in the total fertility rate for all women of reproductive age: having declined from 6.4 in 1978 to 5 in 1995.

40. Women, particularly mothers, remain one of the worst affected groups of secondary malnutrition. Pregnant and lactating women, particularly young mothers, continue to suffer from anaemia.

41. At primary and lower secondary levels, there is no disparity between enrolment numbers of boys and girls. However more boys complete higher secondary education and hence go on to further education.

MAJOR DEVELOPMENTS IN POLICY AND PLANNING IN THE FIELD OF GENDER

42. A number of significant steps have resulted in the institutionalisation of the National Machinery for the Advancement of Women. These steps are all directed towards achieving gender-responsive planning.

43. In the late 1970s a Preparatory Committee was formed under the National Planning Agency to co-ordinate the work relating to the UN Decade for Women (1976-1985). The Preparatory Committee became the National Women's Committee established under the Office of the President in 1981 to act as a focal point to address gender issues in development.

44. The Office for Women's Affairs, established in 1981, became the Department of Women's Affairs in 1989 and was subsequently elevated to a fully fledged Ministry in 1993 under the title Ministry of Youth, Women's Affairs and Sports. The Ministry underwent structural changes in 1996 to become the Ministry of Women's Affairs and Social Welfare **(MWASW)**.

45. The National Women's Council **(NWC)** is responsible for providing policy guidelines and advising the Ministry on policy matters. All the Council members are senior level government officials from key ministries and Ward Women's Committees and are active in creating gender awareness in their respective fields.

46. The members of the NWC represent Maldives in regional and international meetings and seminars. There are a total of 19 members, 12 of whom are female and 7 male. The NWC also plans activities to celebrate special occasions such as International Women's Day.

47. The Maldives Government is implementing a wide range of measures and programmes aimed at creating greater gender equality. These measures relate to health, education, access to employment and economic and social development.

48. The Government's commitment to gender issues is reflected in the ratification of CEDAW, and in the efforts to implement the Commonwealth Plan of Action on Gender and Development and the SAARC Plan of Action on the Girl-Child.

RECENT POSITIVE ACTIONS UNDERTAKEN

49. A section on the subject of gender has been included in the National Development Plan since 1990. In the Fifth National Development Plan (1997-1999), emphasis has been placed on broadening the role of women in society and ensuring their full participation in the development process.

50. The government is in the penultimate stages of finalising a National Policy on Women. This is a significant step towards achieving gender-sensitive planning by providing coherent guidelines to all government departments and bodies.

51. The MWASW is currently finalising a National Plan of Action for the implementation of the Beijing Platform for Action following the Beijing Summit of 1995. A literature review has been conducted in an effort to obtain a clear analysis of the current situation of women in the country.

52. National laws within the country have also been reviewed with a view to eliminating gender bias. Furthermore, the government is working towards codifying *Shari'ah* Law in the form of a new Family Law Bill. This Bill has already been drafted and includes a number of changes, which are beneficial to women. The new Family Law is expected to become legislation in the near future.

53. Further efforts are needed to strengthen the existing structures and mechanisms for the advancement of women. In particular, the Island Women's Committee's **(IWC)** who work at the local level to encourage women's participation in the development process at the atoll and island level.

PART TWO

PROGRESS REPORT ON EACH ARTICLE OF THE CONVENTION

Article 1 Definition of Discrimination Against Women

54. The Maldives' Government has objected to the wording of this article due to the limitations imposed by *Shari'ah* law. The Maldives is committed to the equality of sexes on all fronts subject to *Shari'ah*.

55. The Maldivian Government believes that Islam recognises that men and women – as human beings created by Almighty Allah – should enjoy all basic rights in society. The constitution of Maldives grants equal rights before the law within the framework of the Islamic *Shari'ah*.

56. Article 34, clause (c) of the Maldivian Constitution of 1997 postulates that the Head of State of the country must be a male.

57. Maldives Law 14/72 states that the testimony of men and women shall have equal weight in all matters and circumstances except those specified in the Qur'an.

Article 2 Obligations to Eliminate Discrimination

General policy of non-discrimination as reflected in the constitution; adoption of positive measures; refraining from engaging in any discriminatory activities; modification of laws etc.; adoption of social, political, economic and cultural measures to ensure advancement of women; adoption of temporary special measures to accelerate de facto equality including measures aimed at protecting maternity.

58. The Maldives continues to work towards greater gender equality in all spheres of life. Further efforts are made towards eliminating *de jure* discrimination.

59. A special machinery has been set up to promote and protect the rights of women.

60. In 1997 an appraisal of gender bias in the laws was completed. A Committee, under the guidance of MWASW worked on this project for two years.

Article 3 The Development and Advancement of Women

61. Existing laws and policies do not discriminate against women in terms of access to health care facilities, education and employment.

62. Recent legislative measures for full enjoyment by women of their rights include the granting of Maldivian nationality to children of Maldivian mothers and foreign fathers. This significant achievement came into effect with the adoption of the new constitution on 1st January 1998.

63. Government employees are entitled to 45 fully paid days of maternity leave. Furthermore women are entitled to take 1 year of unpaid leave and return to their positions of work. Flexible working conditions allow for women to be excused for 1 hour for breast-feeding during work hours.

64. The Fifth National Development Plan (1997–1999) has a number of specific programmes and projects planned as a mechanism to ensure that gender concerns are considered in development planning.

65. Measures are been taken to ensure that the Family Law will be properly monitored after it has been implemented. Policies to reduce early marriage and frequent divorce are currently in place. Creating gender sensitivity among policy makers has been undertaken and also been planned for the future.

Article 4 Acceleration of Equality between Men and Women

66. At present there are no measures of affirmative action for women in order to achieve *de facto* equality.

67. There is no enforcement of special measures for women such as particular quotas of jobs for women. However, the current situation of women in the work place is good.

Article 5 Sex Roles and Stereotyping

Adoption of measures to modify socio-cultural patterns of conduct toward eliminating stereotyped roles for men and women; and ensuring sharing of responsibility in the upbringing and development of children.

68. Traditional cultural values associate women mainly with domestic work and childcare. There is however rapid intergenerational change in values which encourages women to work outside the house and achieve higher education.

69. Religion and customs encourage and support the role of the mother and wife. There is increasing social approval of women to work outside the home.

70. The stereotyping of the roles of men and women is reinforced by images in books and the media. Attempts are currently underway to address these stereotypes in the media and thereby create awareness and promote family life education in order to encourage a more equitable distribution of child-care and domestic duties.

71. Programmes carried out by the Government have considerably raised public awareness of domestic violence. Women can report cases and instances of domestic violence to the National Security Service who deal with these cases under the category of assault and battery which is a criminal offence.

Article 6 Suppression of the Exploitation of Women

Suppression of trafficking in women and exploitation and prostitution.

72. The Maldives is fortunate to be a country where the problem of "trafficking in women" is non-existent, according to the available sources.

73. Prostitution is illegal and there are strong religious and social sanctions against becoming involved in such activities. Prostitution is rare.

74. There is some reluctance amongst women to come forward to report cases of domestic violence, assault and rape.

Article 7 Political and Public Life

Equal rights with men in political and public life.

75. Women have the right to vote in all elections and are eligible for candidature to elected bodies and all public positions except that of Head of State. Furthermore, this right of suffrage is not dependent on any property or literacy requirement.

76. The participation of women in the political process and the decision-making process needs to be further improved.

77. Although women are entitled to stand as candidates for the Citizens Majlis, the percentage of women candidates is small. Only 3 out of the 50 members of the Majlis are female and of the 3, only 1 is elected.

78. Gender disaggregated data collection is commonly collected in national surveys, censuses and studies conducted by line Ministries, however, the existing databases can be further improved.

79. A number of NGOs that are primarily organised and run by women are currently playing a vital role in the development process. They are working in increasing public awareness on health and gender issues. They have also been involved in providing many services at the grass-roots level.

Article 8 International Representation and Participation

Equal opportunity to represent governments at the international level and to participate in the work of international organisations.

80. There are no legal barriers to women's participation in international activities and conferences. A number of Maldivian women have been part of delegations to international conferences.

81. There are a number of women who have been taking an active part in the work of international organisations such as the United Nations.

82. There are no legal barriers to Maldivian women's participation in activities at the international level. Responsibilities and duties towards the family and children limit their full participation in these fields.

Article 9 Nationality

Equal rights of women and men to acquire, change or retain their nationality and that of their children.

83. Women have equal rights with men to acquire, change or retain their nationality.

84. Marriage to a non-national does not automatically change a woman's nationality. She retains her own nationality and surname and by virtue of that her offspring can also be Maldivian nationals.

85. Parentage determines a person's citizenship. A significant achievement, under the new Constitution, which came into effect on 1st January 1998, is the automatic conferring of citizenship on the children born to Maldivian mothers and foreign fathers.

86. Foreign women and men have the same rights with respect to gaining residence and employment status in the Maldives.

87. Children between the ages of 10-16 can have their own passports with the permission of both parents. However, children below the age of 10 are usually included in one of the

parent's passports unless special permission is requested from the Department of Immigration and Emigration.

88. Women can obtain a passport and travel without obtaining specific permission from a husband or male guardian.

Article 10 Education

Equality in education; career and vocational guidance at all levels; access to same curricula; elimination of stereotypes; scholarship opportunities; access to continuing education; reduction of female drop-out rates; sports and physical education opportunities.

89. The educational system in the Maldives has seen major changes in the past 15 years. The focus has been on establishing a modern system of primary education in the atolls to facilitate equal access in all parts of the country and to promote basic literacy. It is an objective of the government to develop the human resource base of the country to sustain social and economic development.

90. Education for all children under the age of 16 is promoted and encouraged. In 1997, there was a total of 40,557 female and 41,737 male students enrolled at primary and secondary level.

91. There is no difference in the enrolment numbers of girls and boys upto grade 10. At years 11 and 12 level 36% of the students were female whilst 64% were male in 1997. There are also differences at the tertiary level, perhaps due to the lack of the mobility of females compared with males.

92. There is no bias in terms of the subjects that are available to girls and boys. Exactly the same curriculum is taught at single sex schools and at co-educational schools.

93. A large proportion of students take the science stream followed by commerce and arts. In 1997 at the government girls' school, Aminiya, (at grade 10 level) there were 7 science, 2 commerce and 2 arts classes. The boys' school, Majeediyya, had 6 science, 4 commerce and 1 arts class.

94. Both co-educational and single sex schools offer a high standard of education in Male'. From the data available, neither seems to be disadvantaged. They both have access to the same quality teaching staff, equipment, examinations and curricular.

95. There is at present no university in the country, hence, students have to go abroad for tertiary studies. Thus a limited number of students gain access to higher studies due to the costs involved and difficulty of obtaining placements.

96. There are very few female graduates in the fields of law and engineering as a percentage of the total number of graduates. In 1997 a total of 205 students left on government scholarships out of which 65 were female. There were only 4 female students in the above mentioned fields compared with 37 for males. In the same year, there were 6 postgraduate students, 1 female and 5 male.

97. There are no particular scholarships available solely to males or females. A quota system does not exist in Maldives. However, a large proportion of scholarships that are available are given to male students possibly simply due to the few numbers of female students that actually apply for them.

98. Adult literacy rates are very high in the Maldives, when compared to the regional countries. The combined literacy rate in 1997 was 98.65%, whilst it was 99.10% for females alone.

99. Women are under-represented in the training provided for headmasters. They are not encouraged into the program due to the high dropout rate. In the past, women who were trained as headmasters were reluctant or unable to travel to other islands to work due to family responsibilities.

100. There are educational programs and training courses available to girls who drop out of school at an early age.

101. Dropout rates are difficult to verify due to insufficient data. There are a large number of students who change schools but do not drop out of the education system represented in the statistics.

102. The Educational Development Centre **(EDC)** is currently reviewing and revising all the curriculum material with a view to incorporating greater awareness of stereotyping of gender roles.

103. The Institute for Teacher Education **(ITE)**, established in 1984 provides local training for teachers, strengthening the human resource base of the country.

Article 11 Employment

Elimination of discrimination in all aspects of employment; appreciation of marriage and maternity concerns.

104. There is no discrimination in the Maldives in terms of access to employment, and a system of equal pay for equal work exists. However, some types of work are considered to be more suitable for men than for women and vice versa according to cultural practices.

105. Some studies show that displacement from the traditional fish preservation activities following the modernisation of the country's fishing industry and their decreasing involvement in craft-making due to dwindling markets has decreased women's labour force participation.

106. There is also a noticeable lack of female participation in fields that are traditionally considered to be male dominated such as business, engineering and the technical fields. This is partly due to cultural practice and partly due to the lack of trained personnel in these fields.

107. The female labour force participation rate is currently very low. This is due to a decrease in the number of women in the formal sector: *i.e.* the traditional fish processing and craft making activities.

108. In the Maldives, people have tended to live in extended family units and there has not been a need for childcare facilities in the past. However, nuclear family units are becoming more common now and there is a growing need for childcare facilities to enable women with children to work away from home.

Article 12 Equality in Access to Health Care

Equality in the field of health care; access to health care services including family planning; appropriate and free services pertaining to pregnancy, confinement and the post-natal period; adequate nutrition during pregnancy and lactation.

109. There have been vast improvements in the overall health of Maldivians in the last two decades due to improvements in access to health and medical services. Public health campaigns and huge increases in locally trained personnel have been vital factors in this process.

110. Whilst the crude birth rate has remained constant, the crude death rate is 500 per 100,000, a decrease of 43% from 1960 to 1996. In that period, life expectancy has also improved from 44 years to 70.6 years. In 1994, the fertility rate was 6.8 but has declined to 5 in 1995.

111. Women have the same access to health care in principle. Nevertheless since women's mobility is restricted due to social and cultural factors as well as domestic and childcare responsibilities, their access to hospitals and quality medical care is possibly less.

112. There are no marked disparities in the health status of girls and boys in Maldives. There are no substantial differences in growth rate or infant mortality rates on the basis of gender.

113. However, large disparities are observable between males and females in relation to nutritional and health status during the female reproductive years. Following the onset of the reproductive stage of the life cycle, a sharp decline in the female health status can be noticed.

114. The health sector has invested large amounts of money in reproductive and maternal health and education in the last two decades. Consequently there has been a large reduction in maternal and infant mortality rates.

115. The increased awareness of women in the area of reproductive health, particularly family planning has reduced maternal and infant mortality and morbidity rates. Maternal mortality has decreased from 454 per 100,000 in 1980 to 148 in 1996 and infant mortality has decreased from 121 per 1000 in 1977 to 30 in 1996.

116. Health Centres in the islands and the Malé Health Centre provide free medical care for women during pregnancy and the post-natal period. Labour rooms have been included both in the Island Women's Centres and in all the Atoll Health Centres. The Centres provide routine antenatal medicines such as folic acid free of charge.

117. Maternal and child health services are provided in the Atoll Health Centres. There is a trained midwife and a family health worker (six months training in basic health care) in each island and a doctor and a community health worker (two years training) at the atoll level. Most health needs of the people are taken care of at the atoll Health Centres. There are also 4 regional hospitals which attend to patients in medical emergencies and those who have serious complications.

118. The maternal mortality rate used to be significantly high in the islands due to obstetric emergencies such as post-partum haemorrhages. However, following the availability of trained gynaecological staff and doctors who were able to carry out Caesarean sections at the Regional Hospitals, there has been a further reduction of maternal mortality rates in the last 2-3 years.

119. Free contraceptives are available to married couples throughout the Maldives from the Health Centres and government hospitals as well as from local NGOs.

120. The bias of responsibility for contraception and sterilisation remains heavily on women's shoulders as evidenced by research undertaken and the small minority of men who perform vasectomies.

121. Family planning advice is provided in Malé principally by SHE (local NGO - Society for Health Education). The Department of Public Health conducts workshops and holds information sessions in the islands. Radio and TV programs are also broadcast in order to create awareness among the population.

122. Female staff dominate the health sector. There are a total of 1600 employees in the health sector, of which 75% are female. There are 600 midwives and 400 nurses, all of whom are female. At the policy-making level, 50% of the staff are female.

123. Family health workers who are island based, and receive basic training in health awareness and first aid, are largely female. However community health workers who receive two years training and are atoll based are largely male. This gender disparity is due to the fact that community health workers are required to be mobile and have to undertake a lot of travel.

Article 13 Social and Economic Benefits

Equal access to social and economic benefits.

124. In the Maldives, there is no welfare state as such. The MWASW is responsible for the distribution of welfare to those who apply to it. People can apply for assistance in the case of natural disasters or fires, for medical treatment overseas.

125. Welfare is also provided in the form of *Zakat* – financial contributions to the poor as obligated by the *Shari'ah* Law. At the end of Ramadhan, the Supreme Council for Islamic Affairs collects Fitr Zakat in the form of money or grains of rice.

126. A set of criteria has not yet been outlined as to who should be eligible for welfare and who should not. Each case is considered individually on the basis of need.

127. All government employees have access to a provident fund where they contribute 5% of their salary and the government contributes an equal amount of money. The money becomes available to the employees on retirement or on leaving government service.

128. Government employees who serve a minimum of 20 years continuous service receive a pension in addition to their salary and a second pension for 40 years service.

Article 14 Rural Women

Problems faced by rural women and their roles in their families economic survival including their work in the non-monetized sectors of the economy; eliminating discrimination against rural women and equality to participate in development planning; access to health care and family planning and education; participation in self-help groups and community activities; access to agricultural credit and other facilities and adequate living conditions.

129. With the government policy of decentralisation, which has been in effect for the last 5 years, all line Ministries, such as Education and Health, deal directly with the local government at the atoll level.

130. The Ministry of Atolls Administration is the central government body in-charge of the administration of the atolls and islands. This Ministry also deals with land management in the atolls via the Atoll Chiefs.

131. The island women have traditionally been highly active in community development as well as social and religious activities. They have been informally organising themselves, working together and forming support groups, even before official IWC's were formed in 1983.

132. The traditional division of labour which continues to be applicable to the majority of islands means that island women deal with the children, home and agricultural activities which are home and island based whilst the men are away fishing.

133. This pattern continues today with men being largely absent from the island due to employment in the capital Malé, in tourist islands or work in the fisheries sector.

134. Rural women are engaged in a number of productive activities including agriculture and fish processing, although their participation in fish processing has greatly declined on some islands due to the opening of the fish processing plant.

135. Almost all agricultural work is carried out by women and this includes farming, maintaining vegetable gardens (for family consumption), harvesting and gathering food and marketing and selling the produce.

136. The absence of telecommunication facilities in some islands, and thus marketing opportunities, means that women are generally not able to market their produce. The government has taken initiative to encourage production and act as a mediator, helping the women to market their produce and introduce them to commercial agents.

137. Several new income-generating ventures have been planned and some are already underway. However, these ventures have had limited success due to a lack of understanding and acceptance on the part of the benefactors and the public.

138. In the island communities, married, widowed and divorced women are not treated differently. There is no stigma attached to divorced or widowed women and often they re-marry and participate fully in the community life of island.

139. The government family planning services provided by the Department of Public Health are available in all the islands.

140. Women can and do hold title to land. Land is allocated by the government and is based on the degree of need. Furthermore joint ownership is possible when either party within the marriage specifically requests for such. Divorced and widowed women are also eligible to apply for land.

141. The IWCs play an active role in the development of some islands and in particular, voluntary fundraising work. They are responsible for the dissemination of much health information regarding women, children and the family. Furthermore, it is a forum where women can air their views.

142. Women are represented in the Island Development Committee (IDC), although this representation needs to be increased.

143. Despite the positive trends and general egalitarian situation, women are currently not present in any positions of leadership in the rural government.

144. This tradition of male leadership was originally based on the role of the Island Chief as a religious leader and hence they were required to lead the Friday prayers. Nevertheless since the Island Chief now performs a largely administrative role, the scope for encouraging women into such decision-making positions has increased.

145. There is a gap between urban and rural people in terms of access to health services. This is largely due to the physical geography of the country and the difficulties this imposes on the provision of adequate education, health care facilities and access to the economic centre of the country.

146. Due to the restricted mobility of the island people, there are problems in their access to higher secondary education. This is especially true for girls since they are unable, in most cases, to travel to the capital island, Male' or other islands of the atoll to complete their secondary education. Secondary education is however, becoming increasingly available in the rural areas

147. In Maldives, the contraceptive prevalence rate is estimated to be 15% for the whole country and only 10% for the atolls. However, married couples in all the islands have access to contraceptives through the island Health Centres.

Article 15 Equality Before the Law and in Civil Matters

Equality before the law, legal capacity in concluding contracts and administration of property; equal right to mobility and choice of domicile.

148. Women are formally treated equally under law with respect to concluding contracts and to own and administer property except within the inheritance laws as delineated by the *Shari'ah*.

149. However, despite the inequality in the *de jure* position, in actual practice men can and often do waive their entitlement to a greater share of the property and advocate equal distribution instead.

150. Women have the right to administer property without interference or consent of a male. Even after marriage, male consent is not required regardless of whether it is acquired during the marriage or before the marriage. Women can and do continue to administer the property which they own even though they have entered into marriage.

151. No particular steps have yet been taken which require that all contracts and other instruments aimed at restricting women's legal capacity be deemed void.

152. Women are treated equally in courts except in the certain specific areas where the weight of women's testimony is restricted under the *Shari'ah*.

153. Further extensive research needs to be carried out regarding judicial reasoning and judicial practices in order to examine any differences on the basis of gender.

154. Marriage does not limit a woman's right to choose residence. It is quite a common practice for a couple to reside either with the wife's family or with the husband's family.

Article 16 Equality in Marriage and Family Law

Equality rights with respect to marriage and family relations.

155. Under the *Shari'ah* the man is the head of the household and he has easier access to divorce as well as the right to enter into polygamous unions. The *de jure Shari'ah* position does give women some leeway in that woman are given the freedom to insert clauses within the marriage contract restricting men's rights to divorce and polygamy. Greater awareness needs to be created on this issue.

156. Family relations and marriage are governed by the *Shari'ah*. There is little codification of family law as yet, however, there are a number of regulations which closely guides the application of the *Shari'ah* in the Maldives in areas such as marriage, divorce and child custody.

157. Legal marriage is the only situation where cohabitation and sexual relations between a man and a woman are permitted both under the law and in social practice.

158. Although the *de jure* position requires the consent of the male guardian for the marriage contract to be valid, in practice women do have a lot of autonomy to choose a marriage partner.

159. Under *Shari'ah* law an individual can enter into marriage once maturity (or puberty) has been reached. However, the Maldivian government policy strictly discourages marriages for individuals under the age of sixteen.

160. The average age at first marriage for Maldivian women continues to be low at 15-16 years.

161. Polygamy is allowed under *Shari'ah* Law and is practised in the Maldives although it is not very common. Men have the freedom to marry up to four wives.

162. Under *Shari'ah* Law men are enjoined to treat all the wives within a polygamous union equally. This is in terms of economic and material provisions as well as love and affection. In practise it is difficult – if not impossible to enforce this injunction.

163. Women have the same rights as men to choose a profession and occupation in practice although there are no legal provisions to ensure this.

164. Men and women can and do maintain and manage their property and finances separately, however, the actual extent of this needs to be verified by research.

165. The Maldives has one of the highest divorce rates in the world. Statistics reveal that 59% of the total number of marriages ends in divorce. A large number of these divorces however, do not reflect permanent separation as re-marriage is frequent.

166. Men have the right to unilateral divorce based on a verbal formula. Women also have the right to divorce but the granting of divorce to women by the courts is based on certain conditions and is discretionary. Women have to apply to the courts for divorce and the granting of divorce is discretionary and based on showing good cause, such as maltreatment or lack of maintenance. However, a recent survey revealed that women are often the initiators of divorce in practise.

167. The Maldivian Government gives utmost priority to the strengthening of the family unit. The Government organised a National Conference on Family Unity in November 1995 as part of their efforts at finding the causes of family breakdown in order to undertake remedial action.

168. Once the Family Court receives an application for divorce by a woman, the matter is investigated by interviewing both sides in the dispute. Efforts are then made towards reconciling the parties for three months, following which the judge makes a decision

169. In the event of divorce, any property, which has been registered as joint property, is divided equally. Any property which is seen by the court to have been acquired by the couple during their joint partnership in marriage (the woman's domestic and child-care contributions are taken into account) are also divided between the two.

170. The husband has legal obligations to provide for the wife and pay maintenance for the duration of the *idda* period following divorce. The *idda* period is the equivalent of three monthly menstrual cycles for a woman who is not pregnant, and until she gives birth for a pregnant woman.

171. Women can and do apply to the courts for divorce on the grounds of assault and battery.

172. Divorce is also available to women on the basis of prolonged absence of the husband (*i.e.* 6 months without any knowledge of his whereabouts) under Maldivian Law 10/95. A woman is also granted divorce 6 months after she applies to the Court in cases where the husband is living abroad and refuses to grant her divorce.

173. Under the *Shafi'* sect of Islamic Law the woman is given priority for child custody for a young child until he/she reaches 7 years of age. Following this and in the event of a dispute, the family court gives the child the choice of choosing his/her guardian (*i.e.* either the mother or the father).

174. Child support and maintenance due from a father to a child following divorce is based on the *Shari'ah*. The actual amounts need to be revised and their enforcement needs to be strengthened.

ANNEX

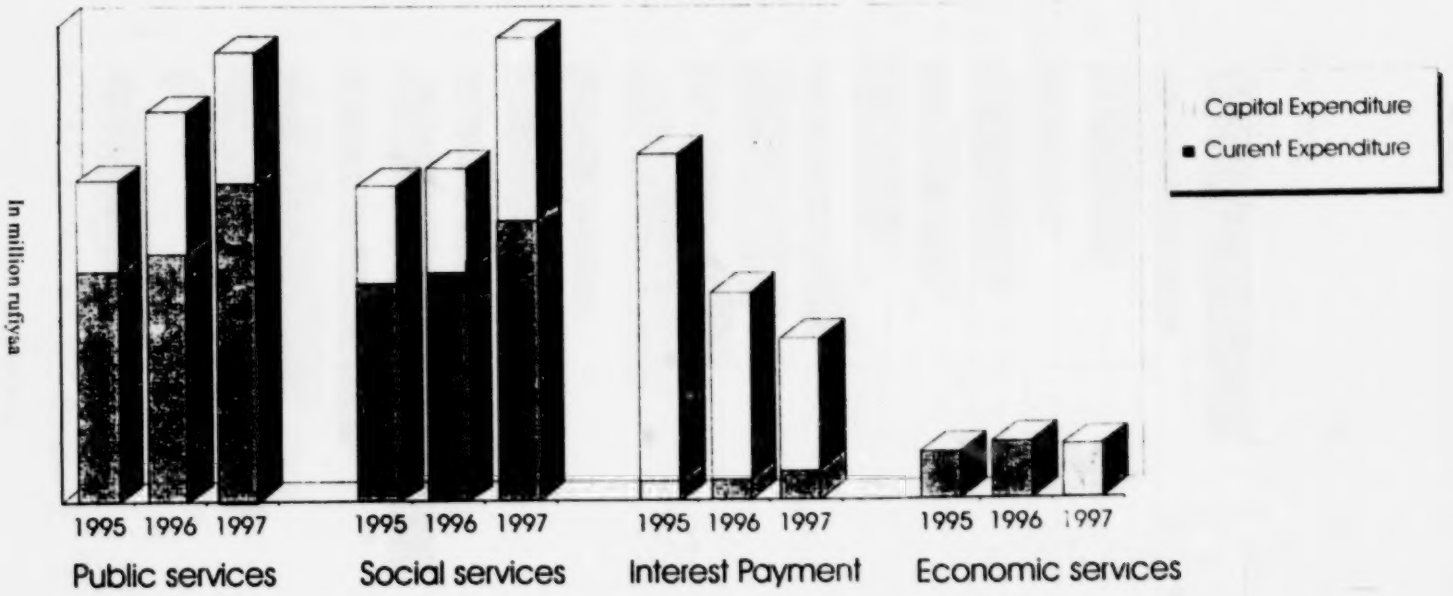
BASIC INDICATORS 1985 - 1995

	1985	1990	1995
Population	180,000	213,215	244,644
Sex ratio	108	105	105
Growth rate	3.2	3.4	2.8
GDP (in million Rf.)	683.0	970.3	1359.4
Total revenue (in million Rf.)	177.3	481.6	1320
Total expenditure (in million Rf.)	199.3	783.1	1652
Tourism revenue (in million Rf.)	38.40	139.96	400*
Fisheries revenue (in million Rf.)	3.14	15.00	n/a
Life expectancy - M	62	66	70.6
- F	60	64	71.6
Maternal mortality rate (per '000)	3.3	2	2
Infant mortality rate	63	34	32
Literacy rate	86.6	95.4	98.0

* 1996 figure

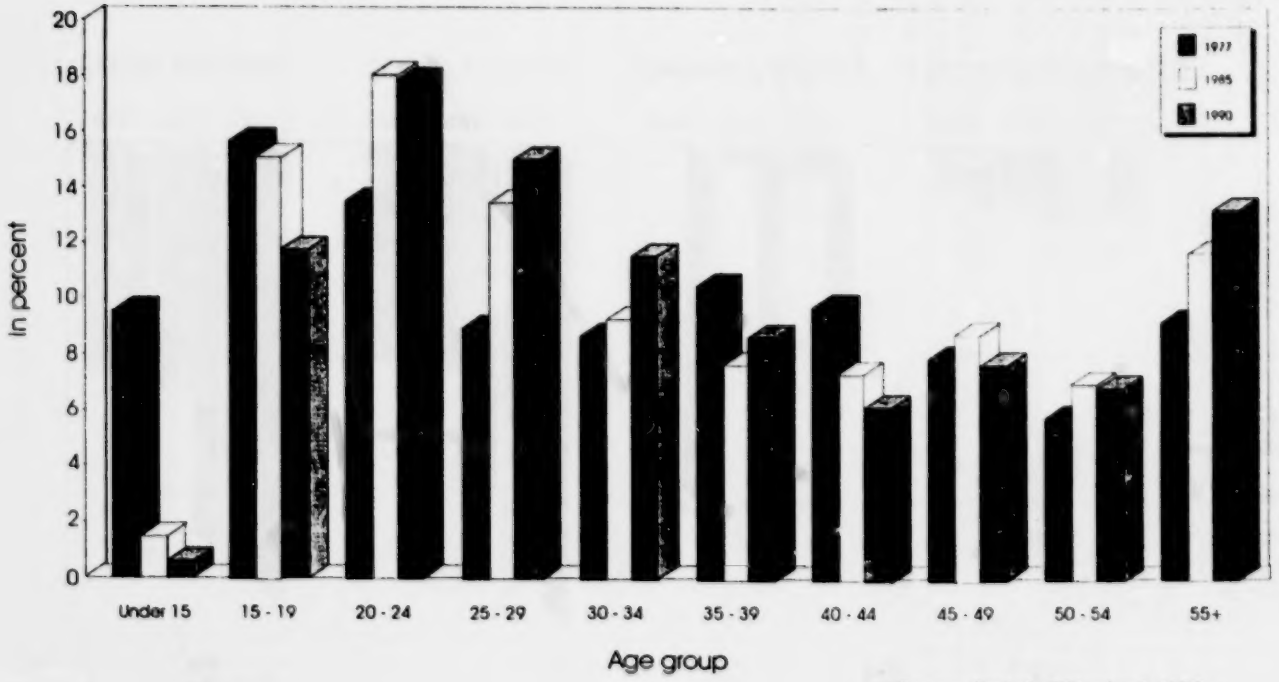
Source: Statistical Yearbook 1997
Ministry of Health

FUNCTIONAL CLASSIFICATION OF GOVERNMENT EXPENDITURE,1995 - 1997



Source: Statistical Yearbook

ECONOMICALLY ACTIVE POPULATION BY AGE GROUP (CENSUS 1977,1985, 1990)



Source: Statistical Yearbook 1997

BASIC HEALTH INFORMATION

	1988	1989	1995	1996
Number of Hospital Beds				
Total	128	137	305	318
Government hospital	84	84	184	193
Regional Hospitals			121	125
H. Dh. Kulhudhuffushi	9	8	15	15
R. Ugoofaaru	17	17	30	30
S. Hithadhoo	18	18	46	50
M. Muli	-	-	30	30
Population per hospital bed	1563	1507	817	806
Nurse per bed : Republic	1.26	1.17	0.92	0.95
Government hospital	1.40	1.29	1.03	1.02
Population per practicing Staff Nurse	10,000	11,472	1,994	2,587
Population per practicing Doctor	7,692	6,453	2,493	1,955
Doctor / 10,000 population	1.3	1.5	4.0	4.0
Community Health Workers / 10,000 population	2.2	2.4	2.11	2.5
Family Health Workers / 10,000 population	8.7	8.7	10.3	10
Health Expenditure as % of National Budget	7.14	6.81	10.01	11.15
Per capital Health Expenditure (in Rf.)	113.9	145.0	690.41	719.5

Source: Statistical Yearbook 1997

LOCALLY TRAINED AND CERTIFIED HEALTH PERSONNEL

Type of training	1985	1987	1989	1995	1996
Community Health Worker	13	9	8	-	6
Nurse Aide	17	18	13	14	18
Family Health Worker	-	34	37	12	9
Pharmacy Assistant	3	5	9	14	17
First Aid Course	10	57	40	-	-
Midwife	28	19	9	12	-
Atoll Based Midwife Training	-	28	20	-	-
Family Health Workers Upgrading	-	-	-	16	-
Diploma in Nursing and Midwifery	-	-	-	-	10
Auxiliary Nurse Midwife	-	10	-	12	12

Source: Statistical Yearbook 1997
Ministry of Health

GOVERNMENT SPONSORED STUDENTS 1997

(Undergraduate and Diploma level)

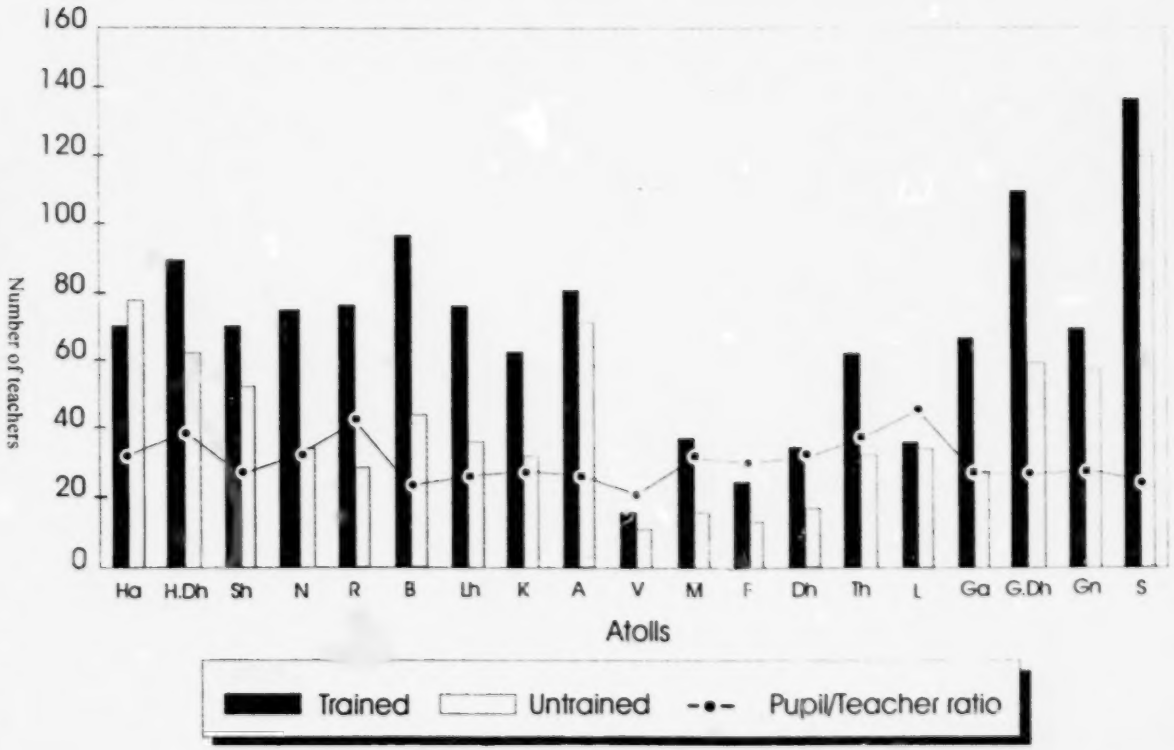
Field	Male	Female
Accounting	16	8
Architecture	3	0
Arts	3	7
Biomedical Science	0	1
Business Education	8	4
Computer Studies	6	2
Dentistry	0	1
Economics/Commerce/Business	13	8
Electronics	1	0
Engineering	35	1
English Language	6	1
Food Technology	1	0
History	0	1
Mathematics	5	2
Islamic Law	0	1
Journalism	1	0
Law	2	3
Library Science	1	1
Management	8	7
Medicine	8	6
Plant pathology	1	0
Quantity Surveying	2	0
Sales and Marketing	2	0
Science	5	6
Shipping	1	0
Statistical Training	0	2
Teaching	6	2
Urban Planning	1	0
Total	135	64

EDUCATION

	1995	1996
Total number of students	87,878	90,597
Government Schools	39,032	40,935
Private Schools	39,581	40,153
Community Schools	9,265	9,509
Student Enrolment		
Male'		
Both Sexes	24,570	25,641
Male	12,639	13,214
Female	11,931	12,427
Atolls		
Both Sexes	63,308	64,956
Male	32,004	32,876
Female	31,304	32,080
No. of Educational Institutions		
Male'	17	17
Government	9	9
Private	4	4
Community	4	4
Atolls	245	246
Government	50	51
Private	25	28
Community	170	167

Source: Statistical Yearbook 1997

TEACHERS AND PUPIL TEACHER RATIO BY LOCALITY, 1996



Source: Statistical Yearbook 1997